



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING ELEVENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Eleventh Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7515] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 7515] is sustained; and
8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10
11 PREPARED AND RESPECTFULLY SUBMITTED BY:

12 **LEWIS AND ROCA LLP**

13 By /s/ John Hinderaker (018024)
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20 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
HUFFMAN FAMILY TRUST DATED 5/28/98	HILARY A & CYNTHIA L HUFFMAN TTEES 140 GAZELLE RD RENO NV 89511	10725-02122	202,832.46	101,416.23
INGMAN, MARC M	1923 LA MESA DR SANTA MONICA CA 90402-2322	10725-01911	507,500.00	253,750.00
JACK D LA FLESCHE IRA	FIRST SAVINGS BANK CUSTODIAN 6559 Water Crossing Ave LAS VEGAS NV 89131 LA FLESCHE, JACK D. FIRST SAVINGS BANK, CUSTODIAN 8414 W FARM ROAD, #180-255 LAS VEGAS NV 89131	10725-02350	100,564.04	50,282.02
JACK R CLARK & LINDA C REID JT TEN	9900 WILBUR MAY PKWY #4701 RENO NV 89521-3089	10725-02059	1,782,032.06	891,016.03
JAMES H LIDSTER FAMILY TRUST DATD 1/20/92	JAMES H & PHYLLUS M LIDSTER TTEES 2958 San Mateo Drive Minden, NV 89423-7815	10725-02256	1,204,192.58	602,096.29
JANET P JOHNSON LIVING TRUST DATED 7/14/04	JANET P & CHARLES E JOHNSON TTEES 17 FRONT ST PALM COAST FL 32137	10725-02117	936,603.82	468,301.91
JANICE A LUCAS IRA	1310 SECRET LAKE LOOP LINCOLN CA 95648-8412	10725-02359	152,121.34	76,060.67
JANIS LIVING TRUST DTD 2/3/99, JANICE	C/O JANICE JANIS TTEE 406 PEARL ST BOULDER CO 80302-4931	10725-02099	405,912.48	202,956.24
JEAN G RICHARDS TRUST DTD 9/30/99	JEAN G RICHARDS TTEE 1160 MAGNOLIA LN LINCOLN CA 95648	10725-02401	313,192.06	156,596.03
JEAN H MURRAY SEPARATE PROPERTY TR DTD 9/12/02	C/O JEAN H MURRAY TRUSTEE 865 COLOMA DR CARSON CITY NV 89705-7204	10725-02034	200,016.26	100,008.13